

NTSB Order No. EA-4424

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 24th day of January, 1996

Docket SE-13682

response.

The record establishes that respondent filed a timely notice of appeal from the oral initial decision the law judge rendered on July 25, 1995, but he did not file an appeal brief within 50 days after that date; that is, by September 13.³ Respondent's appeal brief was postmarked September 14, 1995.⁴

In the absence of good cause for respondent's failure to comply with the time limit for filing an appeal brief, dismissal of his appeal is required by Board precedent. See Administrator v. Hooper, 6 NTSB 559 (1988).

ACCORDINGLY, IT IS ORDERED THAT:

1. The Administrator's motion to dismiss is granted, and
2. The respondent's appeal is dismissed.

HALL, Chairman, FRANCIS, Vice Chairman, HAMMERSCHMIDT and GOGLIA, Members of the Board, concurred in the above order.

(..continued)

50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.

³The law judge affirmed an order of the Administrator suspending respondent's airline transport pilot certificate (No. 1721100) for 180 days for his alleged violations of sections 91.131(a)(1), 91.129(h), 91.123(b), and 91.13(a) of the Federal Aviation Regulations, 14 CFR Part 91.

⁴The record reflects that respondent had previously been furnished a copy of the Board's Rules of Practice.